

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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Hearing Date: November 9, 2011; 2:30 p.m.

In re:

Case No.: 1:11-47911-cec

GRL LLC,

Chapter 11

Debtor.

NOTICE OF MOTION

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PLEASE TAKE NOTICE, that upon the annexed application of Archer Capital Fund, L.P., (“Archer”) a secured creditor in this voluntary Chapter 11 case, by and through its attorneys Kriss & Feuerstein LLP, will move this court before the Honorable Carla Craig, United States Bankruptcy Judge, at the Eastern District of New York, Conrad B. Duberstein U.S. Courthouse located at 271 Cadman Plaza East, Brooklyn, New York 11201, Room 3529 on the 9th day of November, 2011 at 2:30 p.m., or as soon thereafter as counsel can be heard for an Order pursuant to 11 U.S.C. §707(A) and 28 U.S.C. § 1654 to dismiss this case for cause, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the instant application must be made in writing and received in the Bankruptcy Clerk’s office, United States Bankruptcy Court, Eastern District of New York, and by the undersigned, Kriss & Feuerstein LLP, 360 Lexington Avenue, Suite 1200, New York, New York 10017, and all other parties requiring such notice no later than seven (7) days prior to the hearing date set forth herein.

Dated: September 23, 2011
New York, New York

KRISS & FEUERSTEIN LLP
Attorneys for Archer

By: s/ Jerold C. Feuerstein
Jerold C. Feuerstein, Esq. (JF9829)
360 Lexington Avenue, Suite 1200
New York, New York 10017
(212) 661-2900 – telephone
(212) 661-9397 – facsimile

To:

Diana G. Adams
Office of the United States Trustee
271 Cadman Plaza East
Suite 4529
Brooklyn, NY 11201

GRL LLC
175-61 Hillside Av
Jamaica Estates, NY 11432

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**ARCHER CAPITAL FUND LP'S MOTION TO DISMISS
GRL LLC'S CHAPTER 11 BANKRUPTCY
PURSUANT TO 11 U.S.C. § 707(A) AND 28 U.S.C. § 1654**

Archer Capital Fund L.P. ("Archer"), a secured creditor of GRL LLC (the "Debtor") and interested party in the Debtor's voluntary *pro-se* Chapter 11 case, by and through its attorneys, Kriss & Feuerstein LLP, respectfully moves this Court to enter an Order dismissing the above-captioned Chapter 11 case for cause pursuant to 11 U.S.C. § 707(A) and 28 U.S.C. § 1654. In support thereof, Archer respectfully represents as follows:

1. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A).
2. This case was commenced on September 16, 2011, by the filing of a voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the "Petition").
3. The Petition was signed by Gregory Lambrakis ("Lambrakis") and dated September 15, 2011. The Petition identifies Lambrakis as a member of the Debtor, and further appears to indicate that Lambrakis is a ninety-percent (90%) shareholder of the Debtor along with George Lambrakis who appears to be a ten-percent (10%) shareholder of the Debtor.
4. On September 16, 2011, pursuant to 11 U.S.C. § 341(a) the Court scheduled a Meeting of Creditors to be held on October 24, 2011 at 1:30 PM to be held at 271 Cadman Plaza East, Room 4529, Brooklyn, New York.

5. It appears on the face of the petition both that, the Debtor is a limited liability company and that it is not represented by an attorney. A search of the New York State Department of Corporations registration database reveals GRL LLC to be an active domestic limited liability company. A copy of the results of that search is annexed hereto as **Exhibit “A”**.

6. It is respectfully submitted that, by long standing and consistent interpretations of 28 U.S.C § 1654, artificial entities such as a limited liability company are prohibited from appearing *pro se* before the United States Bankruptcy Courts. See 28 U.S.C. § 1654.

7. Furthermore, sufficient case law exists to support the contention that artificial entities such as corporations and partnerships may appear in the federal courts only through licensed counsel; they cannot appear *pro se* through their shareholders or officers. See Schreibman v. Walter E. Heller & Co. of Puerto Rico (In re Las Colinas Dev. Corp.), 585 F.2d 7 (1st Cir.1978); Rowland v. California Men's Colony, 506 U.S. 194, 201, 113 S.Ct. 716, 721 (1993); Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 385 (11th Cir.1985).

8. Since the Debtor is an artificial entity, it cannot represent itself in this Chapter 11 proceeding, without the representation of licensed counsel.

WHEREFORE, Archer respectfully requests that this Court enters an Order dismissing the Debtor’s case and granting such other and further relief as this court deems just and proper.

Dated: September 23, 2011
New York, New York

KRISS & FEUERSTEIN LLP
Attorneys for Archer

By: s/ Jerold C. Feuerstein
Jerold C. Feuerstein, Esq. (JF9829)